IV. Claims 50-55, drawn to a method of detecting a nucleic acid using a sequence repeat probe, classified in class 435, subclass 6.

With all due respect, applicants disagree that the Examiner's requirement is proper. However, in order to facilitate prosecution and to avoid a holding of non-responsiveness, applicants elect the claims of GROUP I with traverse. In the event that the Examiner does not withdraw the requirement, applicants expressly reserve the right to file a divisional application to the presently non-elected subject matter.

Applicants note that the Examiner has mischaracterized the invention. Claims 1-21, 48, 49 and 22-46 have been separated into Groups I and II because the method of detection in the first set of claims allegedly involves a ligand and the method of detection in the second set of claims utilizes an antibody. It is clearly stated that a ligand is used for capture and that an antibody is used for detection. Similarly, Group IV (claims 50-55) is stated as being distinct from groups I and III because it claims a method of identifying a target nucleic acid, such as a mutation. However, the invention using Groups I or II, may also be used to detect mutations.

Applicants request reconsideration of the Examiner's requirement. An examination of all of the claims and the issuance of an Official Action on the merits of all the pending claims is requested.

It is believed that the elected claims are in condition for allowance. Early and favorable action by the Examiner is earnestly solicited.

If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 415-8564. The undersigned may also be contacted by e-mail at dauth@morganfinnegan.com.

AUTHORIZATION

No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2629-4017.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 2629-4017. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN

Dated: August 15, 2001

By: _____

Dorothy R. Auth
Reg. No. 36,434

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